

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATHANIEL E. BOSTIC,

Plaintiff,

-v.-

3: 06-CV-0540
(TJM)(DEP)

CITY OF BINGHAMTON; CARL SMITH; J. FIAN;
CITY OF BINGHAMTON POLICE DEPARTMENT,

Defendants.

APPEARANCES:

NATHANIEL E. BOSTIC
Plaintiff, *pro se*

DAVID E. PEEBLES, United States Magistrate Judge

DECISION and ORDER

The Clerk has sent to the Court a *pro se* civil rights complaint, together with an application to proceed *in forma pauperis*, submitted for filing by plaintiff Nathaniel E. Bostic. Dkt. Nos. 1 and 2. In his *pro se* complaint, plaintiff alleges that defendants subjected plaintiff to “malicious prosecution, false imprisonment, false arrest, intentional infliction of emotional distress and libel and slander” when they brought false criminal charges against plaintiff. Dkt. No. 1 at 1-2. Plaintiff alleges that the criminal charges were later dismissed. *Id.* at 1. For a more complete statement of plaintiff’s claims, reference is made to the entire complaint.

After reviewing plaintiff’s *in forma pauperis* application, the Court finds that the plaintiff may properly proceed with this matter *in forma pauperis*.

WHEREFORE, it is hereby

ORDERED, that plaintiff's *in forma pauperis* application is **GRANTED**.¹ The Clerk shall issue summonses and forward them, along with copies of the complaint and packets containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, to the United States Marshal for service upon the named defendants. The Clerk shall forward a copy of the summons and complaint by mail to the Office of the Corporation Counsel for the City of Binghamton, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that the Clerk is directed to schedule a Rule 16 conference before the assigned magistrate judge, and it is further

ORDERED, that any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned, without processing, by the Clerk.

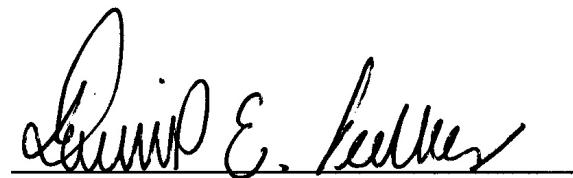
Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All motions shall comply with the Local Rules of Practice of the

¹ Plaintiff should note that although the application to proceed *in forma pauperis* has been granted, plaintiff will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

Northern District, and it is further

ORDERED, that the Clerk serve a copy of this Order and General Order 25 on plaintiff by regular mail.

Dated: June 30, 2006
Syracuse, NY


David E. Peebles
David E. Peebles
U.S. Magistrate Judge